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PATENTS, TRADEMARKS & RELATED INTELLECTUAL PROPERTY MATTERS

Docket: 03/118

Hon. Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

Date: July 06, 2005

In re Application of:

Max Harry Weil, et al.

Serial No.: 10/620,481

Group Art Unit: 3764

Filed: July 16, 2003

Examiner: Danton Demille

For: CONTROLLED CHEST COMPRESSOR

Dear Sir or Madam:

Enclosed are the following:

1. Response to Examiner's Answer
2. Return Postcard.

The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 06-1985.

I hereby certify that this correspondence is being deposited with the United States Postal service as First Class mail in an envelope addressed to: Mail Stop Board of Patent Appeals and Interferences, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on July 06, 2005.

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LDR/ks
Encl.
cc: Joe Bisera

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Max Harry Weil, et al.

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RESPONSE TO EXAMINER'S ANSWER

Hon. Commissioner of Patents — July 06, 2005

Alexandria, VA 22313-1450 — Los Angeles, CA 90024

Independent claim 33 describes a chest compressor actuator with at least two telescoping piston parts (64, 66, Fig. 2) in a cylinder (60). The claim also mentions a "means for cycling" that urges both of said piston parts downward. The description shows a pressured fluid, and specifically a gas as the means for urging both piston parts downward. The claim states that this will "minimize the height of the actuator".

In the Examiner's Answer, he rejects claim 33 on Arpin or Hewson in view of Nowakowski. Arpin and Hewson both show single pistons urged down by pressured fluid. Nowakowski (his Fig. 7) shows a single piston 48 that urges down a chest compressor 71. He provides a spring 54 and he provides second piston 61 that moves up to shorten the downward stroke. His second piston 61 and spring are the equivalent of a rubber end on a piston. His system certainly does not reduce the height of his actuator. His means for cycling his reciprocating member to urge both piston parts downward is not the equivalent of applicant's pressured fluid. Nowakowski's spring 54 and second piston 61 for allowing the patient to breath are

not the equivalent of applicant's "means for cycling" which is a pressured fluid that urges both piston parts downward to obtain a long strong stroke in a short actuator.

Applicant's dependent claim 34, which was rejected on the same references as claim 33 describe the "means for cycling" as being pressured gas. Nowakowski's outer piston 48 that is moved by a crank shaft and that is connected through a spring to an inner piston, does not suggest applicant's telescoping piston parts that are both driven down by pressured gas. The relevant sizes of the piston parts is relevant only when both are driven by pressured gas, which Nowakowski does not suggest, but which applicant claims. Actually, the inside diameter of Nowakowski's inner piston 61 is much less than half the inside diameter of his outer piston 48.

Independent claim 38, which was rejected on the same references as claims 33 and 34, describes telescoping piston parts moved down by pressured gas. In Nowakowski his outer piston is moved down by a crank shaft (31, his Fig. 7) and his inner piston 61 is connected by a spring 54 to the outer one. His inner piston is not independently urged downward, as occurs when pressured gas urges both pistons downward. When Nowakowski's outer piston moves down against a patient, his inner piston moves up to reduce the stroke distance instead of moving down to increase the stroke.

The Examiner says (his page 7, 2nd paragraph) that "Nowakowski is cited to teach the convention of biasing the inner pressing member so that the patient may expand the chest". The Examiner says this is because "During the process of applying CPR, the chest of the patient may be under constant pressure during operation of the piston". In the specification, applicant describes downward pressure cut off in each cycle, which causes the piston to rapidly move up (Fig. 2 also shows a tension spring 90). Applicant's second piston increases the stroke distance, rather than decreasing the stroke distance.

In discussing claim 34 the Examiner (p. 7 last paragraph) says that the relative sizes of the piston parts are obvious, and that Nowakowski's inner piston part has a diameter that is more than half the outer piston diameter. When the

piston parts are driven by pressured fluid, their downward force depends on their inside diameter. Applicant notes that the inside diameter of Nowakowski's piston 61 (at 59 in his Fig. 7) is actually less than half the inside diameter of his outer piston, although this is irrelevant because his pistons are not driven by pressured gas.

Respectfully submitted,

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